

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
JEFFREY SOLOMON,)	
Plaintiff)	
)	
v.)	
)	No. 13-CV-10208-GAO
ANNIE DOOKHAN,)	
)	
Defendant.)	
)	
_____)	

AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS

I, Victoria Kelleher, attorney for the above named plaintiff, on oath depose and state that:

1. The amended complaint on which a judgment for affirmative relief is sought against the defendant herein, Annie Dookhan was filed on or about March 28, 2013.
2. A Summons and a copy of the Complaint were served upon the defendant and the return of service was sent to the Court after service;
3. The time the above named defendant should have served a responsive pleading or otherwise defend pursuant to Fed. R. Civ. P. 12(a) has long expired;
4. The defendant has failed to serve or file an answer or otherwise defend as to the Complaint;
5. The defendant is the last remaining in a multi-defendant suit. After initial litigation of the case, the plaintiff filed motions to dismiss as to those remaining defendants who had answered the complaint, and is pursuing the matter in state court.
6. For all these reasons, the plaintiff respectfully moves for a voluntary dismissal.

Signed under the pains and penalties of perjury on November 19, 2015.

/s/ Victoria Kelleher
Victoria Kelleher

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon each party first class mail postage prepaid on November 19, 2015 and the motion was filed electronically via ECF by Attorney Victoria Kelleher.

/s/ Victoria Kelleher
Victoria Kelleher